



## PLANNING COMMITTEE - 11TH FEBRUARY 2015

**SUBJECT: SITE VISIT - TREE PRESERVATION ORDER 75 OF 2014 - LAND AT WERN WOODLAND, NELSON**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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PRESENT:

Councillor D.G. Carter – Chair  
Councillor W.H. David - Vice Chair

Councillors Mrs A. Blackman, M. Adams, H. David, L. Gardiner, N. George, G. Hughes, A. Lewis, S. Morgan and Mrs J. Summers

1. Apologies for absence were received from Councillors J. Bevan, A.G. Higgs and Mrs G.D. Oliver.
2. Councillor Mrs A. Blackman expressed concern that Nelson Community Council had not been part of the consultation process on the Tree Preservation Order. The Development Control Manager confirmed that unlike a planning application, where community councils would be consulted, a tree preservation order was a technical matter between Officers, Members of the Planning Committee and the Landowners and as such was not subject to the same consultation requirements.
3. The Planning Committee deferred consideration of the report on 14th January 2015 for a site visit. Members and Officers met on site on Monday, 2nd February 2015.
4. Details of tree preservation order 75 in relation to the land at Wern Woodland, Nelson were noted. Those present viewed the site from the public footpath and rights of way access around the perimeter of the site and noted the condition of the trees in question as well as their position in relation to the local landscape in order to fully appreciate the proposed tree preservation order.
5. Members were referred to tree preservation order guidance and were advised that the woodland in question had been the subject to a temporary order following concerns raised by members of the public utilising the adjacent public footpaths/cycle track. The temporary order had been used to protect the existing trees whilst considering the best way forward. In terms of the wider landscape Officers confirmed the woodlands position adjacent to Nelson Bog SSSI, and the Wern Woodland SINC which includes the site concerned. The Officer also confirmed that a tree preservation order would not prevent the landowners from undertaking normal management activities but would ensure that any non-emergency tree work undertaken was reasonable and appropriate.
6. Members sought clarification on the nature of the order and whether it would be applied to individual trees or to the woodland as a whole. The Senior Arboricultural Officer confirmed

that in this case the order would be applied to the whole woodland and advised that the trees contained therein had not been individually assessed.

The Development Control Manager emphasised that the order was not meant to reflect negatively on the Landowners but rather to ensure the long term preservation of the woodland and maintain the character of the area .

Clarification was sought in relation to the age of the trees involved and it was thought that the trees had been in situ since 1948. Officers confirmed that the amenity value of a tree was not solely dependent upon its age. Further clarification was sought as to how the woodland would be managed within the confines of a TPO. Officers confirmed the exemptions that applied in terms of dead or dangerous trees as well as the application process for emergency and non-emergency works within a TPO area. Any application for routine or planned works would need to contain sufficient detail to identify the trees concerned, and of what works were being applied for, to enable Officers to make an informed decision on any proposed works. For works under the dead/dangerous exemption the tree owner is advised to give the LPA five days notice before carrying out the work, except in an emergency. If work is carried out under the latter circumstances, the burden of proof to show that the tree was dead/dangerous – should any party question it – rests with the tree owner. Tree owners are duly advised to have at least good clear photographic records, and possibly a professional condition report should the circumstances warrant it.

7. The Local Ward Member referenced the Tree Evaluation Method For Preservation Orders (TEMPO) carried out for the area and sought clarification as to the extent of its use and guidance on the scoring mechanism. The Senior Arboricultural Officer confirmed that this scoring system was used by many local authorities and was widely accepted as one of the better methods available. Concerns were expressed with the regard to the subjectivity of such a scoring system as it was solely dependent upon the opinion of the completing Officer. The Senior Arboricultural Officer acknowledged that there would always be an element of subjectivity but this would be balanced by the knowledge, expertise and experience of the Officer. He explained the methodology used in achieving the scores and advised that the documents' primary function was to ascertain whether a TPO would be defensible. Members requested that a copy of the TEMPO be made available to them and it was agreed that this would be forwarded to the Committee Clerk for circulation following the site meeting.

A Local Ward Member confirmed that the Landowners would be happy to enter into an agreement not to take down any trees but they felt that a formal preservation order placed an unacceptable burden on their ability to appropriately manage their land. Given the assurances from the Landowners and the nature of the site and trees in question he felt that a formal tree preservation was not warranted in this instance.

8. Officers confirmed that the details of the objections raised by the landowners and the responses of the Senior Arboricultural Officer were contained within the Officer's report.
9. The report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the tree preservation order is considered to be acceptable and Officers recommended that TPO 75 of 2014 is confirmed with the following change of name: Woodland northeast of Tawelfan adjoining National Cycle Route 47.
10. A copy of the report submitted to the Planning Committee on 14th January 2015 is attached. Members are now invited to consider the Officer's report.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	T. Stephens	Development Control Manager
	P. Harris	Senior Arboriculture Officer
	R. Barrett	Committee Services Officer

Appendices:  
Appendix 1 Report submitted to Planning Committee on 14th January 2015